

REMARKS

Claims 1-7, 9-18, and 20-27 are pending. Claims 1-3, 9-14, 20-24, and 27 stand rejected. Claims 4-7, 15-18, 25, and 26 are objected to. Applicant amends claims 1, 12, 22, and 23 and traverses the rejections. Applicant respectfully requests reconsideration and favorable action in light of the remarks herein.

Claim Rejections – 35 U.S.C. § 102

PCT Publication No. WO 02/059455 (“WIPO ‘455”)

Claims 1, 2, 9-11, 22-24, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by WIPO ‘455 to Zupanick et al.

Claim 1 recites “forming a drainage well extending from the entry well to a subterranean zone, the drainage well comprising at least one slanted portion; forming an articulated well extending from the entry well to the subterranean zone, the articulated well extending from the entry well to intersect the drainage well at a junction proximate the subterranean zone; and forming a drainage pattern through the articulated well, the drainage pattern coupled to the junction and operable to conduct fluid from the subterranean zone to the junction.” Claims 22 and 23 recite similar features.

Well bores 225, 235 are cited as being equivalent to the recited articulated well and well bore 230 as the equivalent of the recited drainage well comprising at least one slanted portion. However, WIPO ‘455 teaches forming well bore pattern 50 through well bore 230 characterized as the drainage well (see page 16, lines 16-18). Therefore, WIPO ‘455 does not anticipate claims 1, 22, and 23. Claims 2, 9-11, 24, and 27 depend directly or indirectly from claims 1 or 23 and are not anticipated for at least the same reasons.

Accordingly, Applicant respectfully requests that the rejections of claims 1, 2, 9-11, 22-24, and 27 as being anticipated by WIPO ‘455 be withdrawn.

US Patent Application Pub. No. 2004/0226719 (“Morgan”)

Claims 1, 11, 23, and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Morgan. Claim 1 recites “forming a drainage well extending from the entry well to a

subterranean zone, the drainage well comprising at least one slanted portion; forming an articulated well extending from the entry well to the subterranean zone, *the articulated well extending from the entry well to intersect the drainage well* at a junction proximate the subterranean zone; and forming a drainage pattern through the articulated well, the drainage pattern coupled to the junction and operable to conduct fluid from the subterranean zone to the junction” (emphasis added). Claim 23 recites similar features. Morgan does not disclose methods or systems with these features.

Morgan's sump bore 34 is cited as the equivalent of Applicant's recited drainage well comprising at least one slanted portion and well bores 32 as the equivalent of Applicant's recited articulated well. However, well bores 32 do not extend from vertical well bore 8 lined with surface casing 16 (which is cited as the equivalent of Applicant's recited entry well) to intersect sump bore 34. Rather, Morgan's sump bore 34 and well bores 32 both extend from well bore 26 which extends from vertical well bore 8 to subterranean formation 6.

Therefore, Morgan does not anticipate claims 1 and 23. Claims 11 and 27 depend directly from claims 1 and 23, respectively, and are not anticipated for at least the same reasons. Accordingly, Applicant respectfully requests that the rejections of claims 1, 11, 23 and 27 as being anticipated by Morgan be withdrawn.

Claim Rejections – 35 U.S.C. § 103

WIPO '455

Claims 12, 13, 20, and 21 are rejected under 35 U.S.C. § 103(a) obvious over. Claim 13 is listed twice in the rejection. The arguments below assume that the second listing of claim 13 is a typographic error.

Claim 12 recites “a drainage well extending from the entry well to a subterranean zone, the drainage well comprising at least one slanted portion; an articulated well extending from the entry well to the subterranean zone, the articulated well extending from the entry well to intersect the drainage well at a junction proximate the subterranean zone; an inlet of a downhole pumping unit residing in the junction; and a drainage pattern coupled to the junction and operable to conduct fluid from the subterranean zone to the junction.”

As the Examiner knows, to establish a prima facie case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

It is argued that one of skill in the art would be motivated to place a pump inlet in cavity 250 rather than from well bore 210 because it is asserted to be known to place a downhole pumping unit at a drainage site to remove fluid. However, WIPO '455 teaches removing resources collected in well bore 210 to the surface (page 17, lines 22-26).

Therefore, WIPO '455 does not make obvious claim 12. Claims 13, 20, and 21 depend directly or indirectly from claim 12 and are not obvious for over WIPO '455 for at least the same reasons. Accordingly, Applicant respectfully requests that the rejections of claims 12, 13, 20, and 21 as obvious over WIPO '455 be withdrawn.

WIPO '455 in view of Ohmer (apparently U.S. Patent No. 6,170,571)

Claims 3 and 14 are rejected under 35 U.S.C. § 103(a) as obvious over WIPO '455 in view of Ohmer. However, Ohmer does not remedy the discrepancies of WIPO '455 as discussed above with respect to claims 1 and 12 from which claims 3 and 14 depend.

Therefore, claims 3 and 14 are not obvious over the cited references alone or in combination. Accordingly, Applicant respectfully requests that the rejections of claims 3 and 14 as obvious over WIPO '455 in view of Ohmer be withdrawn.

Morgan in view of Ohmer

Claim 3 is rejected under 35 U.S.C. § 103(a) as obvious over Morgan in view of Ohmer. However, Ohmer does not remedy the discrepancies of Morgan as discussed above with respect to claim 1 from which claim 3 depends.

Therefore, claim 3 is not obvious over the cited references alone or in combination. Accordingly, Applicant respectfully requests that the rejections of claim 3 as obvious over Morgan in view of Ohmer be withdrawn.

Morgan in view of WIPO '455

Claims 2, 9, 10, 12, 13, 20-22, and 24 are rejected under 35 U.S.C. § 103(a) as being obvious over Morgan in view of WIPO '455. Claim 1 recites "forming a drainage well extending from the entry well to a subterranean zone, the drainage well comprising at least one slanted portion; forming an articulated well extending from the entry well to the subterranean zone, *the articulated well extending from the entry well to intersect the drainage well at a junction proximate the subterranean zone*; and forming a drainage pattern through the articulated well, the drainage pattern coupled to the junction and operable to conduct fluid from the subterranean zone to the junction" (emphasis added). Claims 22 and 23 recite similar features. As discussed above, neither Morgan nor WIPO '455 disclose methods including these features.

Claim 12 recites an inlet of a downhole pumping unit located at a junction between drainage and articulated wells extending from an entry well to the subterranean zone. As discussed above, neither Morgan nor WIPO '455 disclose systems including these features.

Applicant submits that, therefore, claims 1, 12, 22, and 23 are not obvious over Morgan in view of WIPO '455. Claims 2, 9, 10, 13, 20-21, and 24 depend directly or indirectly from one of claims 1, 12, or 23 and are not obvious for at least the same reasons. Accordingly, Applicant respectfully requests that the rejections of claims 2, 9, 10, 12, 13, 20-22, and 24 as being obvious over Morgan in view of WIPO '455 be withdrawn.

Allowable Subject Matter

Applicant thanks the Examiner for the acknowledgement that the subject matter of claims 4-7, 15-18, 25, and 26 would be allowable if these claims were rewritten in independent form. Applicant, however, has not amended these claims into independent form, but reserves the right to do so if the rejections to their base claims are not withdrawn.

CONCLUSION

For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully submits that the Application is in condition for allowance.

Applicant has not addressed the suggested motivations to combine reference and/or assertions of common knowledge where such issues are moot in view of Applicant's arguments. However, Applicant does not concede that such suggested motivations to combine reference and/or assertions of common knowledge are valid.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fees are believed to be due. However, please apply any charges or credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: June 21, 2006



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